

DALE OWEN DUSTIN,
Plaintiff,
v
JOHN DOE,
Defendant.

No C-08-5602 VRW (PR)
ORDER OF DISMISSAL
(Doc # 5)


On February 9, 2009, plaintiff filed a motion to proceed in forma pauperis. Plaintiff, however, still has not filed a proper complaint.

1 Because more than 60 days have elapsed since plaintiff was
2 directed to file a proper complaint and he has failed to do so or to
3 seek an extension of time to do so, the action is DISMISSED WITHOUT
4 PREJUDICE. In a separate order, the court DENIES WITHOUT PREJUDICE
5 plaintiff's motion to proceed in forma pauperis.

6 The clerk shall close the file and terminate all pending
7 motions as moot.

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9 IT IS SO ORDERED.

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11 DATED March 4, 2009



VAUGHN R WALKER
United States District Chief Judge

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